

ORDINANCE NO. 4591

TITLE: AN ORDINANCE AMENDING SECTIONS 5.20.010(b), 5.20.030, 5.20.050, and 5.20.080 OF THE ALBANY MUNICIPAL CODE AND REPEALING SECTIONS 5.20.100 AND 5.20.130 PERTAINING TO PRIVATE DETECTIVES AND MERCHANT PATROLMEN LICENSE REQUIREMENTS.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That Section 5.20.010 subparagraph (b) of the Albany Municipal Code is amended to read as follows:

(b) "Merchant police" means any person, firm or corporation engaged in the business of watching, guarding or protecting any premises, property or persons; provided, however, that the term does not include any individual who is employed directly by the owner of premises or property specifically and **exclusively** to watch, guard or protect only the premises or property of the **owner a specific person or concern.**

Section 2: That Section 5.20.030 of the Albany Municipal Code is amended to read as follows:

5.20.030 Qualifications submitted with application. There shall be submitted with the application for such license the following:

(1) An affidavit signed and sworn to before a notary public setting out the full name, age, residence, present occupation and occupations for the preceding five years of said applicant. The affidavit shall be **A signed application form provided by the City** and referred to the chief of police for investigation and shall show with facts sufficient to prove to the satisfaction of the chief of police the good character, competency, and integrity of each such **affiant applicant** and shall **among other facts** list any previous arrests or convictions of or for a crime.

(2) Each **affidavit application** shall be supported by statements in writing from not less than two reputable citizens, each of whom shall certify that he has personally known the **affiant applicant** for a period of at least five years prior to the filing of the aforesaid **affidavit application** and that he believes the **affiant applicant** is competent, honest, and of good character and that he would recommend ~~to the city council~~ that the **affiant applicant** is suitable to engage in such business.

(3) The **affidavit application** shall state any qualifications as to previous police work and shall state whether the **affiant applicant** is applying for merchant police license or private detective license or both.

Section 3: That Section 5.20.050 of the Albany Municipal Code is amended to read as follows:

5.20.050 Issuance of license. The license for the principal operator of a merchant police business or private detective agency shall be issued through the city recorder, who shall issue such a license only ~~upon motion made and passed by the council~~ **when approved by the city manager.** The license as a private detective or merchant policeman issued to an individual who is employed by a person holding a merchant police license or private detective agency as a principal owner thereof shall be issued on an administrative basis by the city recorder. Upon issuance of the license, the applicant shall thereupon pay to the city recorder the annual license fee as hereinafter set forth.

Section 4: That Section 5.20.080 of the Albany Municipal Code is amended to read as follows:

5.20.080 Revocation of license. If at any time, the activities of the licensee or employee shall be such that the best interest of the citizens of Albany are not fully protected then, upon the written recommendation of the chief of police setting forth the reasons therefor, the ~~city council~~ **city manager** may revoke the license granted hereunder.

It shall be the duty of the chief of police to make periodic investigation of the activities of any licensee hereunder and to ascertain any and all information which may be of benefit ~~to the council~~ to determine whether or not such license should be continued in force and effect.

Section 5: That Sections 5.20.100 and 5.20.130 of the Albany Municipal Code are hereby repealed.

5.20.100 Licensee with one employer. Any individual who has only one employer who is employed to watch, guard, or protect the premises, property, or persons of the employer shall register with the chief of police and carry identification furnished by the chief of police while on duty. The City shall require a reasonable deposit on all identification and badges furnished such registrants.

5.20.130 Compliance. Any merchant policeman or private detective now operating or doing business within the corporate limits of the city shall have twenty days from May 8, 1983, within which to comply herewith.

Passed by the Council: May 25, 1983

Approved by the Mayor: May 27, 1983

Effective Date: June 24, 1983

Donald T. Breeding
Mayor

ATTEST:

[Signature]
City Recorder